

REMARKS

With this amendment, claims 1 - 5, 9, 10 -12, and 15 - 28 are pending. Claims 6 – 8, 13 and 14 have been canceled. Claims 1, 2 and 9 have been amended. Support for the amendment to claim 1 can be found in claim 8 and the specification at page 4, lines 10 to 24. Support for the amendment to claim 2 can be found in the specification at page 5, lines 1 to 8. Support for the amendments to claims 6 and 7 can be found in the specification at page 4, lines 30 - 31 as well as in the exemplary compositions at pages 7 - 11.

As noted by the Examiner, applicant's U.S. Patent No. 6,623,655 (of which this application is a divisional) claims certain thioether and selenoether-containing metal chelating compositions, chelates and methods. When this application was filed, therefore, the intent was to pursue metal chelating compositions, chelates and methods containing ether and amide linkages (see claims 2 and 8). Through error, however, claim 1 recited thioether and selenoether linkages.

As amended, claim 1 is now directed to metal chelating compositions containing an amide linkage. In addition, claim 1 requires that the metal chelating composition be a tricarboxylic acid-containing chelating composition. In the interests of expediting prosecution, the Examiner may note that Dobeli et al., U.S. Patent No. 4,877,830,¹ at column 2, line 46 discloses a tricarboxylic acid-containing metal chelate composition containing a carbamate linkage. Carbamate linkages and amide linkages are chemically distinct, however, and Dobeli et al. do not disclose or suggest substituting an amide for a carbamate linkage.

I. 35 USC 112, 2nd Paragraph

Reconsideration is requested of the rejection of claims 2 and 8 under 35 U.S.C. 112, second paragraph, on the basis there is insufficient antecedent basis for the

¹ Reference No. 8 in the Information Disclosure Statement filed by applicants on or about December 23, 2003.

requirement "A is an ether linkage" in claim 2 and for the requirement "A is an amide linkage" in claim 8. Claim 1 has been amended to require that "A" be an amide linkage and claims 2 and 8 have been canceled.

II. Double Patenting

A. 35 USC 101, Statutory Double Patenting

Reconsideration is requested of the rejection under 35 U.S.C. 101 as claiming the same invention as that of claims 1, 6, 7, and 8 of U.S. Patent No. 6,623,655. Claim 1, as amended, is directed to a metal chelating composition, wherein L is -A-T-CH(X)-, and A is an *amide linkage* where as claim 1 of U.S. Patent No. 6,623,655 is directed to a metal chelating composition, wherein L is -A-T-CH(X)-, and A is a *thioether or selenoether linkage*.

B. Nonstatutory Double Patenting

The non-statutory double patenting rejection is noted. Without addressing the merits of the Office's rejection, applicants will submit a Terminal Disclaimer to obviate any obviousness-type double patenting rejection the Office may believe is proper over U.S. Patent No. 6,623,655.

CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of all pending claims is solicited.

A check in the amount of \$120.00 for a one month extension of time is enclosed.

Respectfully submitted

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